

## ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

**Citation:** *College of Chiropractors of Ontario v. McKenzie*, 2025 ONCPDT 11

**Date:** November 18, 2025

**Tribunal File No.:** 25-001-CP

### BETWEEN:

College of Chiropractors of Ontario

**College**

- and -

Franca McKenzie

**Registrant**

### FINDING AND PENALTY REASONS

**Heard:** October 3, 2025, by videoconference

#### **Panel:**

David A. Wright (Tribunal Chair)

Itraf Ahmad (public)

Jannel Somerville (chiropractor)

#### **Appearances:**

Ben Kates, for the College

Lisa E. Hamilton, for the registrant

#### **RESTRICTION ON PUBLICATION**

Pursuant to Rule 2.2.2 of the HPDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

The Ontario Chiropractors and Podiatrists Discipline Tribunal is the Discipline Committee established under the Health Professions Procedural Code.

## **Introduction**

[1] The registrant, chiroprapist Franca McKenzie, committed various types of professional misconduct. She did not keep proper records. She did not ensure that the College could access patients' records kept at clinics where she practised. She did not conduct and/or document complete assessments before prescribing orthotics. She did not ensure that she, or another registrant, dispensed orthotics she had prescribed, and provided receipts that indicated she had dispensed the orthotics. Finally, a clinic where she practised prepared false and misleading documents that falsely indicated she had provided chiroprapy services. She did not take part in the fraud but failed to take adequate steps to prevent it from happening.

[2] Some of this misconduct is mitigated, but not excused, by poor health. At the time of some of the events, the registrant was dealing with a serious health issue. The parties agreed that, considering her health, the appropriate penalty is an effective four-month suspension as well as various remedial terms, conditions or limitations on her certificate of registration. A panel may not depart from an agreed penalty unless it would bring the administration of the professional discipline system into disrepute. At the hearing we found that this was not such a case, and made the order requested. These are our reasons.

[3] Tribunal Chair David Wright conducted case management conferences in this matter and sits on the panel on consent of both parties.

## **The Misconduct**

### Failure to Dispense

[4] The College's Standard of Practice on Prescription Custom Foot Orthoses requires that orthotics be dispensed by the registrant who prescribed them or another registrant. They may not be dispensed by anyone other than a registered chiroprapist or podiatrist.

[5] Over 25 times between 2020 and 2023, a non-registrant dispensed orthotics the registrant had prescribed. She made no arrangements for another registrant to dispense them. In one case, she dispensed the orthotics but to the patient's child instead of the patient, without doing follow up.

[6] All of these incidents happened after the registrant's health problems began. Of course, it may be necessary for a registrant to take time off work due to medical problems. However, a registered health professional cannot simply walk away from their patients. Absence can happen to anyone at any time for a multitude of reasons. Professionals must prepare in advance for the possibility they may be absent, and/or make arrangements to fulfil their obligations when an absence begins. The registrant did not do so and therefore failed to meet or contravened standards of practice of the profession when she did not ensure that another registrant dispensed these patients' orthotics.

#### Failing to Conduct and/or Document an Adequate Orthotics Assessment

[7] As stated in *College of Chiropractors of Ontario v. Chan*, 2025 ONCPDT 5 at para. 5:

When a member of the public seeks treatment from a chiropractor, they expect the expertise of a well-trained, regulated health professional whose scope of practice is "the assessment of the foot and the treatment and prevention of diseases, disorders or dysfunctions of the foot by therapeutic, orthotic or palliative means": *Chiropractic Act, 1991*, SO 1991, c. 20, s. 4. When they identify themselves as registrants of this College, chiropractors and podiatrists are representing that they are applying their training, expertise, and the College's practice standards. Those standards are clear in relation to orthotic prescriptions. In a nutshell, before prescribing orthotics, the chiropractor must conduct a complete assessment that includes specific components, consider and advise the patient about other treatment options, ensure that orthotics are the right treatment for the patient's condition and make and retain detailed records.

[8] The registrant's records indicate that she failed to perform and/or document an adequate assessment of three patients. She did not:

- document the medical necessity for the recommended treatment plan;
- record pertinent clinical findings to support a recommended treatment plan and/or document explanations as to why orthotic treatment was required for the treatment or prevention of disease, disorder or dysfunction of the foot;
- perform and record a differential diagnosis, treatment plan and anticipated prognosis; nor

- document the therapeutic goal of the orthotic device and how the efficacy of the intervention will be assessed.

[9] This was inconsistent with the requirements in the Prescription Custom Foot Orthoses and Records standards.

#### Control Over and Contents of Records

[10] Between 2020 and 2023, the registrant worked at 12 different clinics. Except for patients seen at her own clinic, she did not have possession, custody, or control of her patient records. Instead, she assumed that they were stored at the clinic where the patient was seen but took no steps to confirm this.

[11] The registrant retained a paper agenda to record patient appointments. The information recorded in the agenda on a given day included, among other things, the names of patients, the clinic location, and the time of the registrant's shifts. The level of detail in the records varied from entry to entry. For instance, certain entries contain the clinic name only. The agenda entries were neither complete nor accurate and did not amount to a daily appointment record. Furthermore, the registrant did not store the agenda securely.

[12] The registrant's failure to ensure she had control of her records impaired the College's investigation into the allegations against her. After more than six months of trying, four clinics had still not provided the records to the College investigator. The registrant did not have possession, custody or control of the outstanding patient records, nor did she attempt to facilitate access to them. The College investigator issued summonses to the clinics, but that only resulted in her receiving the records from one clinic. Two clinics said they did not have access to the records and another evaded the summons.

[13] Registrants must ensure their records are properly stored and available. In any practice setting, including a clinic they do not control, a registrant must take "all reasonable steps necessary" to ensure that the records are kept in accordance with their obligations as a registrant of the College: s.13(1) of Ontario Regulation 203/94 made under the *Chiropody Act, 1991* (General Regulation). That includes "verification, by the [registrant], at reasonable intervals," that the records are being maintained properly: s. 13(2) of the General Regulation.

[14] As set out in the College's Records Standard, registrants must "explain those obligations to their employers and to clinic owners." If a patient or someone entitled to review the records is having trouble obtaining them, the registrant must intervene with the clinic and take all reasonable steps possible to obtain them. There is no evidence in this case of any explanation or agreement with the clinics about storage of records or of the required verification at reasonable intervals.

[15] In addition, the College investigation revealed other deficiencies in the records prepared by the registrant, including, among other things:

- The registrant's patient records contained incomplete or no patient histories.
- The registrant's patient records contained incomplete or no record of physical exam.
- The registrant's patient records contained incomplete or no discussion of treatment options.

[16] The registrant contravened the College's record standards, Part III of the General Regulation, and/or the *Personal Health Information Protection Act*, 2004, SO 2004, c. 3, sched. A.

#### False and/or Misleading Statements and Failure to Guard Against Fraud

##### *Invoices issued and/or authorized by the registrant*

[17] The registrant issued and/or authorized invoices for five patients dated March 4 and 5, 2020. The invoices indicated that the registrant had dispensed prescription custom foot orthotics to the patient in question. In fact, the registrant did not dispense these orthotics.

[18] Between September 22, 2020, and January 14, 2023, the registrant authorized invoices for 16 prescription custom foot orthotics to 16 Rayleibs Health Recovery Clinic patients. Each invoice implies that the registrant dispensed the orthotics when in fact they were dispensed by the clinic owner, a Registered Massage Therapist.

False and/or misleading documents issued without the registrant's awareness

[19] Between approximately May 24, 2022, and December 20, 2022, Albion Foot Care Clinic issued false and misleading documents in relation to at least six different patients. These documents, which included prescriptions, assessment forms, claims forms and invoices, indicated that the registrant had provided chiropody services, when, in fact, she had not. Some of the documents included the forged signature of the registrant.

[20] Between approximately April 12 and December 2, 2022, Quality Medical Supplies Inc. issued false and misleading documents in relation to at least 13 different patients. The documents, which included invoices and receipts, indicated that the registrant had provided chiropody services, when in fact she had not.

[21] On or about November 18, 2022, Vego Orthopedic Shoe Centre issued false and misleading documents in relation to two different patients. The documents certified that the registrant had dispensed prescription custom foot orthotics to each patient when in fact she had not. Each document was stamped with the registrant's name and registration number.

[22] The registrant had no direct knowledge of these clinics' fraudulent activities. In the case of Albion Foot Clinic, the registrant terminated her relationship with the clinic on March 17, 2023, shortly after she learned of the clinic's improper business practices.

[23] A registrant must "guard against deceptive insurance practices": *College of Chiropodists of Ontario v. MacMull*, 2023 ONCOCOO 3 at para. 66. Ms. McKenzie failed to take sufficient reasonable steps to guard against fraud. Moreover, her deficient record-keeping practices contributed to the improper business practices at the three clinics.

[24] Ms. McKenzie accepts responsibility for documents issued in her name. She knew or ought to have known that additional steps were required to be on guard for fraudulent activity, particularly in light of a previous experience in 2019, in which an insurance company concluded that a clinic owner or owners had likely used the registrant's name and credentials to facilitate claim reimbursement.

[25] As with records, registrants cannot simply leave fees, billings and accounts to their employer or clinic. As registrants of a regulated profession, chiropodists and podiatrists must take all reasonable steps to ensure that their name and privilege of

registration are not misused by others with whom they work. Among other things, they must have a process for routinely reviewing the fees, billings and accounts issued in their name. They cannot take a hands-off approach to administrative matters. There is no evidence in this case of any explanation to or agreement with the clinics about fees, billings or accounts or of the verification of what was issued in her name.

### Finding

[26] The registrant committed misconduct under the following paragraphs of s. 1 of Ontario Regulation 750/93 made under the *Chiroprody Act, 1991*, SO 1991, c. 20:

- Paragraph 2 – failing to meet or contravening a standard of practice of the profession, including but not limited to the College’s standards pertaining to Assessment and Management; Patient Relations; Records; and Prescription Custom Foot Orthoses;
- Paragraph 17 - failing to keep records as required by the regulations;
- Paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- Paragraph 30 – contravening the *Chiroprody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, specifically the General Regulation, Part III; and
- paragraph 33 - engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

### **Penalty**

[27] The main components of the penalty jointly proposed by the parties are:

- a seven-month suspension, three months of which will be remitted (cancelled) if she completes the University of Toronto medical record-keeping course during the first four months of her suspension;

- a requirement to take the medical record-keeping course before returning to practice; and
- supervision of her practice for 18 months.

[28] The College and the registrant's agreement on penalty must be implemented unless it is so "unhinged from the circumstances" that implementing it would bring the administration of the College's professional discipline system into disrepute: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.) at paras. 9–12; *Ontario College of Teachers v. Merolle*, 2023 ONSC 3453 (Div. Ct.). The test is adapted from the Supreme Court's analysis in the criminal law context in *R. v. Anthony-Cook*, 2016 SCC 43.

[29] There must be something completely unacceptable, unusual or unconscionable to reject a joint submission, not just the panel's disagreement or belief that a different outcome would better serve the public interest or be a more fit penalty. The Tribunal may not "tinker" with a joint submission, which is the result of a careful balancing by the parties of the relevant considerations. It should take the joint submission "as is" and proceed on the basis that any aspects of penalty that were not included were intentionally excluded.

[30] The most important goal of a penalty order is protection of the public. The public must have confidence in the registrant, the profession and in the College's ability to govern the professions of chiropractic and podiatry in the public interest. Other principles support this goal: discouraging the registrant and others from committing misconduct (specific and general deterrence), rehabilitating the registrant, ensuring a safe return to practice where appropriate and expressing the Tribunal and the profession's disapproval of the misconduct. See *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 22 at paras. 7–8.

[31] Four broad groups of factors are applied in analyzing penalty: the seriousness of the misconduct, any discipline history, the registrant's actions since the misconduct and the personal circumstances of the registrant.

[32] Here the misconduct is undoubtedly serious. It had various components: poor record-keeping, dishonesty, failing to take steps to ensure that the clinics the registrant was working with complied with her professional obligations, and failing to follow the

College's requirements for orthotics. Dishonesty and carelessness with patients' records are particularly serious. Moreover, this College has emphasized the importance of issuing and documenting orthotics prescriptions in accordance with the College's detailed standards and has publicized this to registrants in various ways.

[33] Ms. McKenzie failed in her professional obligation to be involved in the operations of the clinic so that she could ensure it was operating according to required regulations and standards, kept poor records and failed to take and/or document the required steps before prescribing orthotics. She authorized receipts that showed her as having dispensed orthotics when she did not do so. At the same time, this is not a case, like some of the more serious ones in this College, where she participated in a scheme to defraud insurance companies or received payments for services she did not provide.

[34] The registrant has no discipline history, and that is a neutral factor: *College of Physicians and Surgeons of Ontario v. Parajian*, 2025 ONPSDT 15. The registrant has admitted misconduct and agreed to a joint submission, a mitigating factor (*Fagbemigun* at para.15).

[35] The most significant mitigating factor here is the registrant's personal circumstances: serious and long-lasting illness during the period of misconduct. Health challenges can be a mitigating factor: see *Fagbemigun* at para.18 and *Ontario College of Social Workers and Social Service Workers v. Fortier*, 2023 ONCSWSSW 9 at paras. 21 and 24 (misnumbered para. 19).

[36] In late 2019 or early 2020, the registrant was diagnosed with a serious health condition. In late January 2020, she received medical advice to undergo urgent surgery. She subsequently resigned her certificate of registration for a period to focus on her health.

[37] Ms. McKenzie underwent surgery in late January 2020. She did not practise between at least February 14, 2020, and August 26, 2020, when she reinstated her certificate of registration. From August 26, 2020, to date, the registrant continued to experience adverse health circumstances of varying degrees, including additional surgeries, treatments, and periods of recovery.

[38] While no two cases are alike, recent cases involving similar or related issues have led to suspensions (after deducting remittances) of five months (*College of*

*Chiropodists of Ontario v. Wilson*, 2025 ONCPDT 8 and *College of Chiropodists of Ontario v. De Leon*, 2025 ONCPDT 6), four months (*Chan*), and eight months (*College of Chiropodists of Ontario v. Zhang*, 2025 ONCPDT 3). They show that this suspension is within the appropriate range.

[39] The terms, conditions and limitations providing for education during her suspension and for supervision when she returns to practice are appropriate rehabilitative measures to protect the public. The costs are also reasonable.

[40] For these reasons, the joint submission does not bring the administration of the professional discipline system into disrepute and we made the requested order.

## **Order**

[41] Our order provides:

### Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded, and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
2. The Tribunal directs the Registrar to:
  - suspend the registrant's certificate of registration for seven (7) months commencing October 3, 2025, three months of which will be remitted upon the registrant completing the University of Toronto records course as outlined in para. 3(a) below.
  - place the following terms, conditions and limitations on the registrant's certificate of registration;
    - i. Prior to returning to practice, the Registrant shall successfully complete the University of Toronto medical record keeping course at her own expense and provide documentary evidence of her completion of those remedial steps to the satisfaction of the Registrar;
    - ii. For greater certainty, the Registrant is required to successfully complete the course in paragraph 3(a), and the Registrant will not be permitted to return to practice until she does complete the course;
    - iii. Upon returning to practice after her suspension, at her own expense, the registrant will receive supervision of her chiropody practice with a supervisor selected by the registrar for a period of 18 months from the date on which the registrant

returns to practice from the suspension. The terms of the supervision are as follows:

- The supervisor shall visit with the registrant in person on at least six occasions – two times in the first six months, two times in the next six months, and two times in the last six months;
- The visits with the supervisor may be unannounced, at the discretion of the supervisor;
- The supervisor shall determine the length of each visit;
- In conducting the supervision, the supervisor shall discuss ethics, practice management, record-keeping and compliance with the College's standards with the registrant;
- The supervisor shall prepare a report to the Registrar after the third visit and after the sixth visit;
- The registrant shall provide the supervisor with the Discipline Tribunal's decision and then provide written confirmation to the Registrar, signed by the supervisor, that the supervisor has received and reviewed the final decision;

iv. In the event that the registrant obtains employment to provide chiropody services during the 18 months following the date that the Registrant is able to return to practice after her suspension, the Registrant shall:

- notify any current or new employers of the Discipline Tribunal's final decision;
- ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
- provide her employer(s) with a copy of:
  - the Discipline Tribunal's Order;
  - the Notice of Hearing;
  - the Agreed Statement of Facts;
  - the Joint Submission on Penalty and Costs;
  - a copy of the Discipline Tribunal's decision; and

- have her employer forward a report to the Registrar within fifteen (15) days of commencing employment confirmation that the employer has received the documents noted above and agrees to notify the Registrar immediately upon receipt of any information that the registrant is not complying with the College's standards.

### Costs

3. The Tribunal requires the registrant to pay the College costs of \$20,000 on the following timetable:

- \$5,000.00 on October 3, 2025;
- \$5,000.00 on March 3, 2026;
- \$5,000.00 on October 3, 2026; and
- \$5,000.00 on March 3, 2027.

**ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL**

**Tribunal File No.:** 25-001-CP

**BETWEEN:**

College of Chiropractors of Ontario

**College**

- and -

Franca McKenzie

**Registrant**

**The Tribunal delivered the following Reprimand  
by videoconference on Friday, October 3, 2025.**

**\*\*\*NOT AN OFFICIAL TRANSCRIPT\*\*\***

Ms. McKenzie,

An oral reprimand is part of the penalty order of this Discipline panel. This reprimand will become a part of your record at the College and will be present on the public portion of the Register.

It has been found by the panel that you have engaged in professional misconduct in the following ways:

1. You have failed to meet several of the Standards of Practice for Chiropractors and Podiatrists including the Orthotics, Records, Assessment and Patient Relations standards;
2. You failed to keep adequate records;
3. In your professional capacity, you signed or issued documents that contained false or misleading statements; and
4. You engaged in conduct or performed an act while practising that would be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

In 2019, you were contacted by insurers about false and misleading statements issued in your name. Despite this being brought to your attention, your failure to take corrective action allowed these problems to persist in your subsequent practice.

Between 2020 and 2023, you repeatedly prescribed custom foot orthotics without ensuring that a registered chiropractor was present to dispense them. You also authorized or allowed documents to be issued that contained false or misleading information,

specifically stating that you had provided certain chiropractic services when in fact you had not.

Further, you failed to take sufficient steps to prevent fraudulent practices at no fewer than three clinics where you worked. Although the panel acknowledges that you accepted responsibility for the documents issued in your name, the onus remained with you. It was your duty to take proactive measures to guard against fraudulent activity.

In addition, you failed to perform and properly document patient assessments, including recording medical necessity, treatment plans, and therapeutic goals. Your record-keeping was deficient: patient histories, examination notes, treatment options, and other required documentation were frequently incomplete or missing. You also failed to safeguard and maintain records as required by the College's Standards and by law.

Your conduct did not align with the standard of care that is expected by the members of our profession. As a registered chiropractor, you are aware of the indications of orthotic use and the benefits orthotics provide to some of our most vulnerable patients as part of their management plans. Yet, through your actions, you continued to risk their access to these devices. In doing so, you undermined patient safety. It is of great concern to the panel that in your disregard for the standards of practice you also placed the credibility of the chiropractic profession in jeopardy.

We recognize the fact that much of this misconduct happened while you were ill. While this does not excuse it, it does help us understand the challenges you were facing. Nevertheless, as a regulated health professional, you must be prepared for the possibility that you suddenly become unavailable. Our profession demands that you cannot simply walk away from your practice. You should make sure the clinics you are working with have policies of continuation of care if you are no longer able to practise.

The panel expects that upon return to practice, following your suspension and coursework in record-keeping, and during and beyond your period of supervision, you will practise with the utmost attention to the profession's Standards of Practice and the prudence expected of all chiropractors.